Court Minutes

August 25, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Raye, Associate Justice; Butz, Associate Justice; and Haskett, bailiff.

C055710 CULINARY FARMS, INC. v. MOONEY et al.

Cause called. Thomas R. Freeman argued for appellant. Anthony L. Vignolo argued for respondent. Cause submitted.

At 10:52 a.m., the court recessed. At 10:12 a.m., the court reconvened.

C056281 THE PEOPLE v. TIMOTHY ARCHER HARDWICK

Cause called. Michael Dolida, Deputy Attorney General, argued for appellant. Oliver J. Northup, Jr., court appointed counsel, argued for respondent. Cause submitted.

At 10:29 a.m., the court recessed until 9:30 a.m., Monday, September 15, 2008.

C056047 THE PEOPLE v. BROCK ALFRED (Not For Publication) JAMES COLLETTE

The judgment of conviction is affirmed. The sentence is vacated and the matter is remanded for further proceedings consistent with this opinion.

CANTIL-SAKUYE, J.

We Concur: Scotland, P.J.

Nicholson, J.

C056623 THE PEOPLE v. BEVERLY BARRON (Not For Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Scotland, P.J.

Nicholson, J.

C056858 THE PEOPLE v.

JAMES WILLIAM TIGNOR

(Not For Publication)

The judgment is affirmed.

NICHOLSON, J.

We Concur: Davis, Acting P.J.

Court Minutes

August 25, 2008, Continued

C057095 THE PEOPLE v.

(Not For Publication)

SHURRON LAMONT ROBERTS

The judgment is affirmed.

BUTZ, J.

We Concur: Sims, Acting P.J.

Hull, J.

C055526 LAKSHMANAN v. CITY OF STOCKTON (Not For Publication)

The judgment is reversed. The city of Stockton is awarded costs on

appeal. ...

BLEASE, Acting P.J.

We Concur: Davis, J.

Butz, J.

August 26, 2008

MISC. ORDER 2008-011

BY THE COURT:

Associate Justice Tani Cantil-Sakauye is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on September 4, 2008, through September 19, 2008, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

C056319 IEREMIA v. HILMAR UNIFIED

(Certified For Publication)

SCHOOL DISTRICT et al.

The judgment is affirmed. Costs on appeal are awarded to respondent.

...

CANTIL-SAKAUYE, J.

We Concur: Hull, Acting P.J.

Robie, J.

Court Minutes

August 26, 2008, Continued

C056727 JOHN DUNCAN, as Director, etc. v.

(Certified For Publication)

WORKERS' COMPENSATION APPEALS BOARD; LINDA SILVA

et al.

The WCAB decision is annulled, and the cause is remanded to the WCAB for further proceedings consistent with this opinion. Solorio shall reimburse the UEBTF for its costs on review.

SCOTLAND, P.J.

We Concur: Blease, J.

Davis, J.

August 27, 2008

C053596 THE PEOPLE v.

(Not For Publication)

KIRK DOUGLAS WILLIAMS

The judgment is affirmed. MORRISON, J.

We Concur: Blease, Acting P.J.

Davis, J.

C056985 THE PEOPLE v.

(Not For Publication)

OLAN MANSON BAILEY

The judgment is affirmed.

MORRISON, J.

We Concur: Scotland, P.J.

Davis, J.

C056080 ELLIOTT v. GILBERT RETAIL

(Not For Publication)

HOLDINGS

The judgment is affirmed. Defendant is awarded its costs on appeal.

HULL, J.

We Concur: Blease, Acting P.J.

Robie, J.

C057365 In re DARIN B. et al.; SACRAMENTO

(Not For Publication)

COUNTY DEPARTMENT OF HEALTH

AND HUMAN SERVICES v.

DEANNA R. et al.

The orders of the juvenile court are affirmed.

ROBIE, J.

We Concur: Morrison, Acting P.J.

Court Minutes

August 27, 2008, Continued

C058925 A.J. v. THE YOLO COUNTY SUPERIOR (Not For Publication)

COURT; YOLO COUNTY DEPARTMENT

OF EMPLOYMENT AND SOCIAL SERVICES et al.

The petition for extraordinary writ is denied. The request for a stay is denied as moot.

RAYE, Acting P.J.

We Concur: Morrison, J.

Hull, J.

August 28, 2008

C053705 THE PEOPLE v. (Not For Publication)

MICHAEL GEORGE ROBERTS

The order modifying the verdict is reversed and the matter is remanded to the trial court with directions to reinstate the verdict of conviction on count 2, Health and Safety Code section 11360, subdivision (a), and for further proceedings.

MORRISON, J.

We Concur: Nicholson, Acting P.J.

Raye, J.

C055089 THE PEOPLE v. (Not For Publication)

MICHAEL WILLIAM TILLEY

The judgment is affirmed.

NICHOLSON, Acting P.J.

We Concur: Hull, J.

Robie, J.

C056279 THE PEOPLE v. (Not For Publication)

TERRY RAY ANDERSON

The enhancements under Health and Safety Code section 11370.2 (b)

are stricken. In all other respects, the judgment is affirmed.

MORRISON, J.

We Concur: Blease, Acting P.J.

Davis, J.

Court Minutes

August 28, 2008, Continued

C056966 THE PEOPLE v.

(Not For Publication)

VICKI LYNN HANCOCK

The judgment is affirmed.

MORRISON, Acting P.J.

We Concur: Robie, J.

Cantil-Sakauye, J.

C057494 THE PEOPLE v.

(Not For Publication)

LAWRENCE DUANE HUBER

The judgment is modified ... As modified, the judgment is affirmed. The trial court is directed to correct the abstract of judgment accordingly and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

ROBIE, J.

We Concur: Davis, Acting P.J.

Nicholson, J.

C053428 BARBA v. PEREZ

(Certified For Partial Publication)

The judgment and order denying the motion to tax costs are each affirmed. Plaintiff is awarded his costs on appeal. ...

BUTZ, J.

I concur: Robie, J.

I concur in parts I, II and III of the majority opinion. I respectfully dissent from part IV, which affirms the trial court's award of prejudgment interest and expert witness fees under Code of Civil Procedure section 998. ...

Sims, J.

C054959 IMRIE v. GENERAL MOTORS ACCEPTANCE CORPORATION

(Not For Publication)

et al.

The judgment is reversed. The trial court is directed to vacate its order granting summary judgment and enter a new order denying the motion for summary judgment but granting summary adjudication in favor of GMAC on all causes of action except the first cause of action (gender discrimination). The parties shall bear their own costs on appeal. ...

ROBIE, J.

We Concur: Morrison, Acting P.J.

Court Minutes

August 28, 2008, Continued

C055997 In re BOBBY B.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND

HUMAN SERVICES v. CECILIA B.; BOBBY B.

BY THE COURT:

Appellant Bobby B.'s petition for rehearing is denied.

BLEASE, Acting P.J.

August 29, 2008

C055842 THE PEOPLE v. (Not For Publication)
CINDY SUMMER THAO

The trial court is directed to amend the abstract of judgment by striking the 77 days of "local conduct" credit erroneously identified as Penal Code section 2933.2 credits. As amended, the judgment is affirmed. The trial court is directed to send a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

SIMS, Acting P.J.

We Concur: Nicholson, J.

Robie, J.

C056015 THE PEOPLE v. (Not For Publication)

LOVELL SHERMAN BURTON

The judgment is affirmed.

BUTZ, J.

We Concur: Scotland, P.J.

Blease, J.

C056281 THE PEOPLE v. (Not For Publication)

TIMOTHY ARCHER HARDWICK

The judgment (order of probation) is affirmed.

BUTZ, J.

We Concur: Blease, Acting P.J.

Raye, J.

Court Minutes

August 29, 2008, Continued

C057625 THE PEOPLE v.

(Not For Publication)

CHRISTOPHER ALLEN TAYLOR

Counts one, two, and three are dismissed, and the judgment is modified to reflect these dismissals. As modified, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment reflecting this modification and shall forward a certified copy to the Department of Corrections and Rehabilitation.

SIMS, Acting P.J.

We Concur: Nicholson, J.

Robie, J.

C054046 STOLZ, II, et al. v. DUDUGJIAN

(Not For Publication)

& MAXEY, INC. et al.

The judgment is affirmed. Edward R. Stolz, II, and Royce International

Broadcasting Corporation shall pay all costs of this appeal. ...

MORRISON, J.

We Concur: Davis, Acting J.

Cantil-Sakauye, J.

C056572 DAY v. COUNTY OF SACRAMENTO

(Not For Publication)

et al.

The judgment is affirmed.

MORRISON, Acting P.J.

We Concur: ROBIE, J.